

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In Re: Dale Rossano, D.V.M.

Petition No. 930921-47-021

MODIFICATION OF CONSENT ORDER

WHEREAS, Dale Rossano, D.V.M. of Orange, Connecticut (hereinafter "respondent") entered into a Consent Order on May 25, 1994, which became effective on June 8, 1994, with the Department of Public Health (hereinafter "the Department") (a true and complete copy of which is attached hereto marked as Attachment "A"); and,

WHEREAS, respondent wishes to modify the aforementioned Consent Order;

NOW THEREFORE, paragraphs 3K, 3M, 3P, 3Q, and 3R of the Consent Order are changed as follows:

1. Paragraph 3K is deleted and a new paragraph 3K is inserted into the Consent Order as follows:

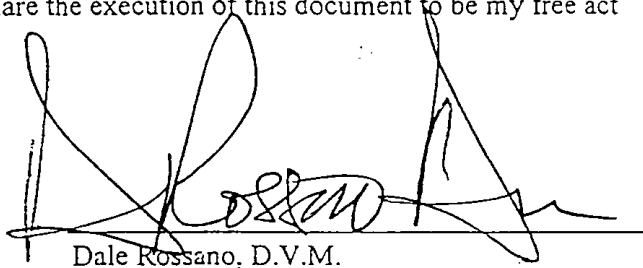
"During the term of probation, respondent shall not engage in the solo practice of veterinary medicine, surgery and dentistry, except that respondent may, with prior Department approval, practice as an associate, partner or affiliate of another in a satellite office, wherein he may practice alone provided he meets with such associate, partner or affiliate (hereinafter "affiliate") a minimum of three (3) times each week."

2. The last sentence of paragraph 3M is deleted and a new sentence is inserted as follows:
“Respondent’s Chief of Service, supervisor, and/or affiliate may serve as Respondent’s clinical monitor with Department approval.”
3. The following sentence is added to the end of paragraph 3P as follows:
“In the event respondent’s affiliate serves as clinical monitor, each of his/her monitor reports shall document the dates each week s/he met with respondent, pursuant to paragraph 3K, above. Should the affiliate not serve as clinical monitor, s/he shall submit reports to the Department every other month documenting the dates each week s/he met with respondent.”
4. The first line of paragraph 3Q is deleted and replaced with a new line as follows:
“Notwithstanding the foregoing, respondent’s clinical monitor and/or affiliate shall”
5. The following sentence is added to the end of paragraph 3R as follows:
“Respondent’s affiliate shall immediately notify the Department if s/he is unable to continue meeting with respondent three (3) times each week, as required by this Consent Order.”

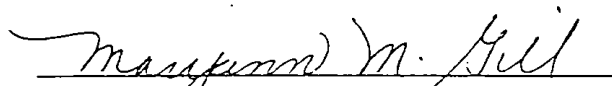
All other terms and conditions of the Consent Order remain in effect.

This Modification of Consent Order is effective upon the order and acceptance of the Connecticut Board of Veterinary Medicine.


I, Dale Rossano, D.V.M. have read the above Modification of Consent Order and I agree to the terms and conditions therein. I further declare the execution of this document to be my free act and deed.


Dale Rossano, D.V.M.


Subscribed and sworn to before me this 8th day of April 1996


Notary Public or person authorized by law to
administer an oath or affirmation
My Commission Expires June 30, 1996

The above Modification of Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 11th day of April 1996, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Modification of Consent Order having been presented to the duly appointed agent of the Connecticut Board of Veterinary Medicine on the 17 day of April 1996, it is hereby ordered and accepted.


Jordan R. Dann, D.V.M., Chairman
Connecticut Board of Veterinary Medicine

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Dale Rossano, D.V.M.

Petition No. 930921-47-021

CONSENT ORDER

WHEREAS, Dale Rossano, D.V.M., of Waterbury, Connecticut (hereinafter "respondent") has been issued license number 001971 to practice veterinary medicine, surgery and dentistry by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 384 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits as follows:

1. Between August and October of 1993, he abused controlled substances, including cocaine.
2. He is chemically dependent and has abused controlled substances and other drugs in the past, including Hycodan and cocaine. In 1988, respondent abused Hycodan in the State of Nevada. Between August and October of 1993, he abused cocaine in the State of Connecticut.
3. Respondent suffers from bi-polar disorder, which may affect his ability to practice veterinary medicine, surgery and dentistry with reasonable skill and safety if not properly treated.
4. The above-described conduct and conditions constitute violations of Connecticut General Statutes §20-202(10) and/or (11).

5. Respondent is not currently practicing veterinary medicine, surgery and dentistry in Connecticut.

WHEREAS, respondent wishes to resolve this action without the need for a formal contested hearing before the Connecticut Board of Veterinary Medicine (hereinafter "the Board"), and agrees that this CONSENT ORDER shall have the same effect as if ordered after a full hearing held pursuant to §§19a-10, 19a-17 and 20-202 of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §19a-17 and §20-202 of the General Statutes of Connecticut, Dale Rossano, D.V.M., hereby stipulates and agrees to the following:

1. That he waives his right to a compliance conference and a hearing on the merits of this matter.
2. That he shall comply with all federal and state statutes and regulations pertaining to his license.
3. That his license is hereby placed on probation for a period of five (5) years, under the following terms and conditions:
 - A. He shall at his own expense engage in psychotherapy with a licensed psychiatrist and treatment for chemical dependency with a licensed or certified counsellor. Such treaters shall be approved by the Department. Treatment sessions shall be held on such basis as respondent's psychiatrist and chemical dependency counsellor deem necessary, but in no event less frequently than monthly. Respondent

shall provide a copy of this CONSENT ORDER to his psychiatrist and chemical dependency counsellor, and they shall provide the Department with written confirmation of receipt of the same and of their engagements in such capacities within fifteen (15) days of the effective date of this CONSENT ORDER.

- B. His psychiatrist shall monitor respondent's adherence to his medication regime for bi-polar disorder.
- C. He shall take all medications as prescribed by his psychiatrist and/or other personal physician.
- D. He shall follow all recommendations made by his psychiatrist and chemical dependency counsellor regarding follow-up, aftercare or further professional treatment for chemical dependency and any other medical conditions.
- E. He shall attend an average of two AA meetings per week, and furnish verification of such attendance to his chemical dependency counsellor.
- F. He shall not ingest, inhale, inject or otherwise use alcohol or any controlled substance which has not been prescribed for him for a legitimate therapeutic purpose under the direct care of a licensed physician. He shall not prescribe or self-medicate with controlled substances for himself or his immediate family under any circumstances.
- G. He shall be responsible for the provision of written reports from his chemical dependency counsellor and psychiatrist directly to the Department monthly for the first year of probation, bi-monthly for the second and third years, and quarterly for the remainder of the

probationary period.

(1) The chemical dependency counsellor's reports shall include, but not be limited to, documentation of dates of therapy; documentation of respondent's progress in his treatment for chemical dependency; a statement as to whether respondent regularly participates in all treatment programs recommended by the chemical dependency counsellor, and is attending an average of two AA meetings weekly; verification as to whether respondent remains drug and alcohol free; and verification that respondent is following his prescribed medication regime. Copies of all verifications of AA attendance and of all laboratory reports of random urine screens for alcohol and drugs required below shall also be made a part of the monthly chemical dependent counsellor's reports.

(2) The psychiatrist's reports shall include, but not be limited to, documentation of dates of treatment and respondent's adherence to his medication regime for treatment of bi-polar disorder.

H. Notwithstanding the requirement that respondent's chemical dependency counsellor and psychiatrist submit periodic reports to the Department during the term of respondent's probation, each of them shall immediately notify the Department of any of the following:

(1) Any conduct or condition on respondent's part which does or may constitute a deviation from appropriate standards of care and conduct for his profession;

- (2) Any conduct or condition which does or may indicate that respondent is unable to practice veterinary medicine, surgery and dentistry with reasonable skill and safety;
 - (3) Any positive urine screen for alcohol or drugs.
 - (4) Any indication that respondent is failing to adhere to his medication regime for bi-polar disorder;
 - (5) Respondent's discontinuation of treatment with his chemical dependency counsellor or psychiatrist without prior written approval of the Department.
- I. If respondent's psychiatrist or chemical dependency counsellor determines that psychiatric treatment or chemical dependency treatment is no longer necessary, that a change in frequency of psychiatric treatment or chemical dependency treatment sessions is warranted, or that respondent should transfer to another psychiatrist or chemical dependency counsellor, he or she shall advise the Department, and the Department shall pre-approve the same. However, in the event chemical dependency treatment is terminated with Department approval, respondent's chemical dependency counsellor or another licensed or certified chemical dependency counsellor approved by the Department shall continue to monitor respondent's compliance with the terms of this ORDER by doing the following:
- (1) Obtaining verification from respondent's psychiatrist and/or personal physician that his intake of all prescribed medications to treat his bipolar disorder are being monitored;
 - (2) Monitoring respondent's attendance at AA meetings;

- (3) Monitoring and reviewing respondent's random urine screens for drugs and alcohol as required below; and
- (4) Providing the reports described in sub-paragraphs 3G and 3H above.

J. He shall submit to random, observed urine screens at a facility approved by the Department for drugs and alcohol, and for therapeutic levels of all controlled substances as prescribed by his psychiatrist and/or personal physician, as ordered by his psychiatrist and/or personal physician. He shall also be responsible for providing laboratory reports reporting the results of such screens directly to his psychiatrist or chemical dependency counsellor.

- (1) All such screens shall be negative for non-prescribed drugs and alcohol;
- (2) All such screens shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the testing process;
- (3) Respondent shall notify the laboratory, his psychiatrist, personal physician, chemical dependency counsellor, and the Department of all drugs he is taking;
- (4) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer testing;
- (5) Respondent is hereby advised that the ingestion of poppy seeds has, from time to time, been raised as a defense to positive screen results for Morphine and/or opiates. For that reason, respondent agrees to refrain from knowingly ingesting poppy

seeds in any food substances during the term of this CONSENT ORDER;

(6) All such screens shall be required at the discretion of respondent's psychiatrist and/or personal physician, but there shall be not less than one (1) screen per week during the first year of his probation, not less than one (1) screen every two weeks during the second and third years, and not less than one (1) screen per month during the fourth and fifth years of his probation.

- K. During the term of probation, respondent shall not engage in the solo practice of veterinary medicine, surgery and dentistry.
- L. Respondent shall provide a copy of this CONSENT ORDER to his Chief of service, employer, and/or partners at any veterinary hospital, clinic, and/or partnership at which he is employed, with which he is affiliated, or where he has privileges.
- M. Respondent shall at his own expense obtain the services of a licensed veterinarian approved by the Department to clinically monitor respondent's practice during the probationary period. Respondent shall provide a copy of this CONSENT ORDER to his clinical monitor, and the monitor shall confirm receipt of the same and his or her engagement by respondent to act in such capacity, within fifteen (15) days of the date respondent resumes practicing in Connecticut. Respondent's Chief of Service, supervisor and/or partner may serve as respondent's clinical monitor with Department approval.
- N. Respondent's clinical monitor shall conduct clinical observations of

respondent with patients, random reviews of patient records, and follow-up clinical observations of patients whose records are reviewed. Such activities shall occur at least once per week for the first year of probation, not less than once every two weeks during the second and third years, and not less than monthly for the remainder of the probationary period.

- O. Respondent's clinical monitor shall review a minimum of 15 or 30% of respondent's patient records, whichever is greater, with the same frequency that he or she conducts required monitoring activities. If respondent has fewer than 15 patients, his clinical monitor shall review all of respondent's patient records.
- P. Respondent shall be responsible for providing written reports from his clinical monitor directly to the Department monthly during the first year of probation, bi-monthly for the second and third years, and quarterly for the remainder of the probationary period. Such reports shall include documentation of dates and durations of monitoring activities, number and a general description of the patient records reviewed, number and a general description of follow-up observations of patients whose records have been reviewed, and an assessment of respondent's ability to safely and competently practice veterinary medicine, surgery and dentistry.
- Q. Notwithstanding the foregoing, respondent's clinical monitor shall immediately notify the Department of any conduct or condition on respondent's part which does or may constitute a violation of any law, regulation, standard of conduct or standard of care for his

profession, and of any conduct or condition which does or may indicate that respondent is not able to practice with reasonable skill and safety.

R. Respondent's clinical monitor shall immediately advise the Department in writing if he or she is unable for any reason to continue providing personal clinical monitoring of respondent's practice.

S. All reports required by the terms of paragraphs 6G and 6P above are due according to the following schedule:

- (1) Monthly reports are due on the tenth business day of every month commencing with the report due July, 1994;
- (2) Bi-monthly reports are due on the tenth business day of January, March, May, July, September and November commencing with the reports due July, 1995;
- (3) Quarterly reports are due on the tenth business day of January, April, July, and October of each year commencing with the reports due July, 1997.

4. That he shall notify the Department and the Board in writing of any change of employment within fifteen (15) days of such change.
5. That he shall notify the Department and the Board in writing of any change in his home or business address within fifteen (15) days of such change.
6. That he shall notify the Department and the Board in writing of the date he resumes practicing veterinary medicine, surgery and dentistry in Connecticut within fifteen (15) days of the same.
7. That all correspondence and reports shall be addressed to:

Lynn Hurley, Investigator
Public Health Hearing Office
Department of Public Health and Addiction Services
150 Washington Street
Hartford, CT 06106

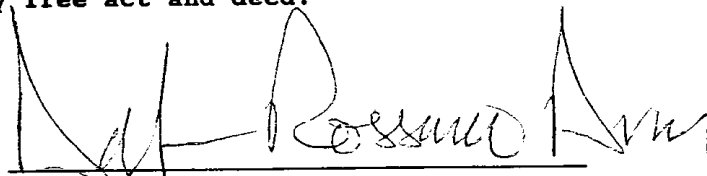
8. That any deviation from the terms of this CONSENT ORDER without prior written consent of the Department shall constitute a violation of this ORDER. Any report received from respondent's psychiatrist, chemical dependency counsellor or clinical monitor which indicates that respondent is or may be unable to practice veterinary medicine, surgery and dentistry with reasonable skill and safety shall also constitute a violation of this CONSENT ORDER. Respondent is hereby advised that he shall be responsible for the submission of all reports in timely fashion, and to provide observed, random urine samples for screening as directed by his psychiatrist or personal physician. Respondent understands and agrees that he is responsible for satisfying all of the terms of this CONSENT ORDER, including the screening requirements, during vacations and other periods during which he is away from his place of residence.
9. That any alleged violation of the conditions listed in 3A through 3S, inclusive, or any alleged violation of any other provision of this CONSENT ORDER, may result in summary action to suspend his license, or in the following procedures:
 - A. The Department shall notify respondent in writing by first-class mail that the term(s) of this CONSENT ORDER have been violated, provided that no prior consent for deviation from said term(s) had been granted.

- B. Said notification shall include the acts or omission(s) which violate the term(s) of probation or other term(s) of this CONSENT ORDER.
 - C. Respondent will be allowed fifteen (15) days from the date of the mailing of notification required in 9(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of probation or the terms of this CONSENT ORDER, as applicable, or in the alternative, that he has cured the violation in question.
 - D. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Connecticut Board of Veterinary Medicine (hereinafter "the Board") which shall make a final determination of the disciplinary action to be taken.
 - E. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of probation, or to the alleged violation(s) of the terms of this CONSENT ORDER.
10. That, in the event respondent violates any term of this CONSENT ORDER, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes.
11. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.


12. That legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department.
13. That this CONSENT ORDER is effective on the day it is approved and accepted by the Board.
14. That he understands this CONSENT ORDER is a matter of public record.
15. That he understands that this CONSENT ORDER may be considered as conclusive evidence of the allegations set forth herein in any proceeding before the Board (1) in which his compliance with this order is at issue, or (2) in which his compliance with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
16. That this CONSENT ORDER and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this ORDER is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
17. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this CONSENT ORDER and the factual basis for this CONSENT ORDER to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed CONSENT ORDER is approved or accepted.

18. That he has consulted with an attorney prior to signing this document.

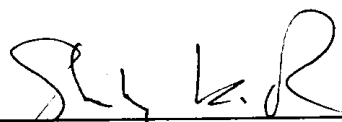
I, Dale Rossano, D.V.M., have read the above CONSENT ORDER, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this CONSENT ORDER to be my free act and deed.


Dale Rossano, D.V.M.

Subscribed and sworn to before me this 28th day of May, 1994.


Notary Public or person authorized
by law to administer an oath or
affirmation
Commissioner of the Superior Court

The above CONSENT ORDER having been presented to the duly appointed agent of the Department of Public Health and Addiction Services on the 6th day of June, 1994, it is hereby accepted.

By: 
Stanley K. Peck, Director
Division of Medical Quality Assurance
Authorized representative

The above CONSENT ORDER having been presented to the duly appointed agent of the Connecticut Board of Veterinary Medicine on the 8th day of June, 1994, it is hereby ordered and accepted.

By: 
Connecticut Board of Veterinary Medicine